

114TH CONGRESS  
1ST SESSION

# S. 1639

To amend the Elementary and Secondary Education Act of 1965 to assure educational stability for children in foster care, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 18, 2015

Mr. FRANKEN (for himself, Mr. GRASSLEY, Mrs. MURRAY, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to assure educational stability for children in foster care, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Education Stability  
5       for Foster Youth Act”.

6       **SEC. 2. EDUCATIONAL STABILITY FOR FOSTER CHILDREN.**

7       (a) STATE PLANS.—Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended by adding at the end the following:

1                 “(11) ENSURING COLLABORATION FOR CHILDREN IN FOSTER CARE.—Each State plan shall describe the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) to ensure the educational stability of children in foster care, including assurances that—

10                 “(A) any such child is enrolled or remains in such child’s school of origin unless a determination is made that it is not in such child’s best interest to attend the school of origin, which decision shall be based on all factors relating to the best interest of the child, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

20                 “(B) when a determination is made that it is not in the best interest of such child to remain in the school of origin, such child is immediately enrolled in a new school, even if such child is unable to produce records normally required for enrollment;

1               “(C) the enrolling school shall immediately  
2               contact the school last attended by any such  
3               child to obtain relevant academic and other  
4               records; and

5               “(D) the State educational agency will des-  
6               ignate an employee to serve as a point of con-  
7               tact for child welfare agencies and to oversee  
8               implementation of the State agency responsibil-  
9               ties required under this subparagraph, and  
10              such point of contact shall not be the State’s  
11              Coordinator for Education of Homeless Chil-  
12              dren and Youths under section 722(d)(3) of the  
13              McKinney-Vento Homeless Assistance Act (42  
14              U.S.C. 11432(d)(3)).”.

15              (b) LOCAL PLANS.—Section 1112(c)(1) of the Ele-  
16              mentary and Secondary Education Act of 1965 (20 U.S.C.  
17              6311(c)(1)) is amended—

18              (1) in subparagraph (N), by striking “and”  
19              after the semicolon;

20              (2) in subparagraph (O), by striking the period  
21              at the end and inserting “; and”; and

22              (3) by adding at the end the following:

23              “(P)(i) collaborate with the State or local  
24              child welfare agency and, by not later than 1  
25              year after the date of enactment of the Edu-

1 cation Stability for Foster Youth Act, develop  
2 and implement clear written procedures gov-  
3 erning how transportation to maintain children  
4 in foster care in their school of origin when in  
5 their best interest will be provided, arranged,  
6 and funded for the duration of the time in fos-  
7 ter care, which procedures shall—

8                 “(I) acknowledge that children in fos-  
9 ter care needing transportation to the  
10 school of origin will promptly receive trans-  
11 portation in a cost-effective manner and in  
12 accordance with section 475(1)(G) of the  
13 Social Security Act (42 U.S.C. 675(1)(G));  
14 and

15                 “(II) ensure that, if there are addi-  
16 tional costs incurred in providing transpor-  
17 tation to maintain children in foster care  
18 in their schools of origin, the local edu-  
19 cational agency will provide transportation  
20 to the school of origin if—

21                 “(aa) the local child welfare  
22 agency agrees to reimburse the local  
23 educational agency for the cost of  
24 such transportation;

1                         “(bb) the local educational agen-  
2                         cy agrees to pay for the cost of such  
3                         transportation; or  
4                         “(cc) the local educational agency  
5                         and the local child welfare agency  
6                         agree to share the cost of such trans-  
7                         portation; and  
8                         “(ii) designate a point of contact if the  
9                         corresponding child welfare agency notifies the  
10                         local educational agency, in writing, that the  
11                         agency has designated an employee to serve as  
12                         a point of contact for the local educational  
13                         agency.”.

14 **SEC. 3. REPORT ON IMPLEMENTATION OF EDUCATIONAL  
15                         STABILITY OF CHILDREN IN FOSTER CARE.**

16                 Not later than 2 years after the date of enactment  
17 of this Act, the Secretary of Education and the Secretary  
18 of Health and Human Services shall submit to the appro-  
19 priate committees of Congress a report on the implemen-  
20 tation of sections 1111(b)(11) and 1112(c)(1)(P) of the  
21 Elementary and Secondary Education Act of 1965 (20  
22 U.S.C. 6311(b)(11) and 6312(c)(1)(P)), including the  
23 progress made and the remaining barriers.

1     **SEC. 4. DEFINITION OF HOMELESS CHILD OR YOUTH.**

2         (a) IN GENERAL.—Section 725(2)(B)(i) of the  
3     McKinney-Vento Homeless Assistance Act (42 U.S.C.  
4     11434a(2)(B)(i)) is amended—

5                 (1) by inserting “or” before “are abandoned”;

6     and

7                 (2) by striking “or are awaiting foster care  
8     placement;”.

9         (b) EFFECTIVE DATE.—The amendment made by  
10    subsection (a) shall take effect on the date that is 1 year  
11    after the date of enactment of this Act.

12         (c) APPLICATION.—

13                 (1) IN GENERAL.—Notwithstanding subsection  
14    (b), for a covered State, the amendment made by  
15    subsection (a) shall apply on the date that is 2 years  
16    after such date of enactment.

17                 (2) DEFINITION.—In this subsection, the term  
18    “covered State” means a State that has a statutory  
19    law that defines or describes the phrase “awaiting  
20    foster care placement”, for purposes of a program  
21    under subtitle B of title VII of the McKinney-Vento  
22    Homeless Assistance Act (42 U.S.C. 11431 et seq.).

